

Senate bill No. 385.

Senator Weisiger moved to reconsider the vote passing Senate bill No. 32 and asked to have that motion spread upon the Journal.

(The President in the chair.)

Senator Clemens called up the motion to reconsider the vote passing Senate bill No. 32, and moved to lay that motion on the table.

On the motion to table, the following vote was taken.

YEAS—13.

Atlee,	Kimbrough,	Potter,
Clark,	Lubbock,	Simkins,
Clemens,	Mott,	Stephens,
Cranford,	Page,	Whatley.
Johnson,		

NAYS—13.

Crane	Harrison,	McKinney,
Finch,	Ingram	Pope,
Frank,	Kearby,	Sims,
Garwood,	Maetz,	Weisiger.
Glasscock,		

There being a tie the Chair voted aye and the motion was tabled.

The Chair had the following list of counties which had no notaries public read for the information of Senators: Bailey, Cochran, Collingsworth, Crane, Crockett, Crosby, Dimmit, Ector, Foley, Gaines, Garza, Glasscock, Gray, Hartley, Hutchinson, Lamb, Loving, Linn, McMullin, Midland, Harmer, Schleicher, Terry, Upton, Ward, Winkler, Yoakum, Zapata.

On motion of Senator Lubbock the Senate adjourned to 9:30 a. m. tomorrow.

SEVENTY-FOURTH DAY.

SENATE CHAMBER,
TWENTY-SECOND LEGISLATURE,
Austin, April 11, 1891.

Senate met pursuant to adjournment.

Lieutenant-Governor Pendleton in the chair.

Roll called.

Quorum present.

The following Senators answering to their names:

PRESENT—31.

Atlee,	Harrison.	Pope,
Burney,	Ingram.	Potter,

Carter,
Clark.
Clemens,
Crane,
Cranford,
Finch.
Frank,
Garwood,
Glasscock.

Johnson,
Kearby,
Kimbrough,
Lubbock,
Maetze,
McKinney,
Mott,
Page.

Seale,
Simkins,
Sims,
Stephens,
Townsend.
Tyler.
Weisiger
Whatley.

Prayer by the chaplain, Dr. Smoot
Pending reading of the journal, on motion of Senator Stephens, the further reading of the same was dispensed with.

BILLS AND RESOLUTIONS.

By Senator Frank:

Concurrent resolution designating the room, known as the state library, in the capitol building, for the use of the supreme court library.

Whereas, At the last session of the legislature, on February 14 1889, a joint resolution was adopted allowing the supreme court to use the west half of the large room on the second floor of the Capitol Building as a supreme court library room, and

Whereas, The accumulation of books renders it necessary to also use the east half of said room which is now and has been vacant; therefore be it

Resolved by the Senate, the House of Representatives concurring, that the eastern half of the room on the second floor of the capitol building marked on the plans as "state library" being 68 feet wide and 124 feet long, be also designated as the supreme court library room and used for that purpose.

Adopted.

By Senator Glasscock:

Resolved, That the chairman of the he committee on Contingent Expenses have bound one hundred and fifty copies of the journals of the Senate, to be paid for out of the contingent fund, and that one copy of said journal be sent to each senator and representative.

Adopted.

By Senator Johnson:

Resolved, That a committee of five senators be appointed by the President to inquire and report what employes of the senate shall be retained after the close of the session to perform any work, what the work shall be, for how long each shall be retained and the pay of each.

Laid on the table subject to call.
Senator Carter called up

House bill No. 381, entitled "An act to amend section 31, of an act to establish and maintain a system of public free schools for the State of Texas, and to repeal so much of chapter 3, of title 78, of the revised statutes as refer to public free schools outside of cities and towns assuming or having assumed control of their free schools, and all laws and parts of laws in conflict with this act passed by the special session of the Eighteenth Legislature, which was presented to the Governor for his signature on the 6th day of February, 1884, and became a law without his approval, which had been laid on the table subject to call yesterday.

Bill on second reading and passed to a third reading,

Senator Carter moved to reconsider the vote by which the bill was passed to a third reading.

Adopted.

Senator Carter offered the following amendment:

Amend by adding the following:

"Section 4. The fact that there is but a short time to the adjournment sine die of this Legislature renders it impossible that this bill may be read on three several days, therefore an emergency exists for the suspension of the constitutional rule requiring bills to be read on three several days and it is so suspended.

Adopted.

The bill was passed to a third reading.

Senator Carter moved to suspend the constitutional rule requiring bills to be read on three several days and that the bill pass to a third reading and final passage.

Adopted by the following vote:

YEAS—24.

Burney,	Harrison,	Pope,
Carter,	Ingram,	Potter.
Clemens,	Johnson.	Simkins
Crane,	Kearby,	Sims.
Cranford,	Kimbrough,	Stephens,
Finch,	Lubbock.	Tyler.
Frank,	Maetze.	Weisiger
Glasscock.	Mott,	Whatley.

NAYS—2.

Clark,

McKinney.

Bill read third time and passed.

Senator Cranford moved to postpone pending business, suspend the rules, and take up out of its regular order

Senate bill No. 385, entitled "An act to amend section 9 of an act entitled an act to provide for the purchase of a site and the establishment, location, construction and maintenance of a State Orphan Asylum, passed at the regular session of the Twentieth Legislature, and approved April 4, 1887."

Adopted.

The following privileged report was presented :

COMMITTEE ROOM,
Austin, April 11, 1891.

Hon. George C. Pendleton, President of the Senate:

Sir—Your committee on Engrossed Bills have carefully examined and compared Senate bill No. 381, being "An act to provide for taking the scholastic census of counties under the district and community systems and to repeal all laws in conflict herewith.

And find the same correctly engrossed.

CARTER, Chairman.

Pending bill read second time with a favorable committee report.

The chair gave notice of signing, and signed, in presence of the Senate after its title had been read,

Senate bill No. 295, entitled "An act authorizing the sale and conveyance of the Missouri, Kansas and Texas railway company's lines of railroad and properties within this state and certain lines of railroad heretofore operated by or as the property of the Missouri, Kansas and Texas railway company, or as a part of the system of roads within the state known as the Missouri, Kansas and Texas railway, and to provide for and authorize the sale, transfer and conveyance of said line of railroad to and the purchase and operation thereof by a single corporation, company or association of persons, to be incorporated under the laws of this state, and to settle and dispose of certain pending suit

brought by the State of Texas against said Missouri, Kansas and Texas railway company, wherein the powers, privileges and franchises granted it within the state are sought to be forfeited:

The pending bill was ordered engrossed.

Senator Cranford moved to suspend the constitutional rule requiring bills to be read on three several days and that the bill be put upon its third reading and final passage.

Adopted by the following vote:

YEAS—27.

Atlee.	Garwood,	Mott.
Burney,	Glasscock,	Pope,
Carter,	Harrison,	Potter,
Clark,	Ingram.	Seale,
Clemens,	Johnson,	Simkins,
Crane,	Kimbrough,	Sims,
Cranford.	Lubbock.	Stephens.
Finch,	McKinney	Tyler,
Frank,	Maetze,	Weisiger.

NAYS—None.

The following privileged report was presented:

COMMITTEE ROOM,
Austin, April 11, 1891.

Hon. George C. Pendleton, President of the Senate:

Sir—Your committee on Engrossed bills have carefully examined and compared

Senate bill No. 387, entitled "An act to amend article 343, title 17, chapter 1 of the Revised Civil Statutes of Texas, relating to cities of one thousand inhabitants or over,"

And find the same correctly engrossed.

CARTER,
Chairman.

The following message was received from the House:

HALL HOUSE OF REPRESENTATIVES, }
Twenty-second Legislature, }
Austin, April 11, 1891. }

Hon. Geo. C. Pendleton, President of the Senate:

Sir—I directed to inform the Senate of the passage by the House of the following bills, to-wit:

House bill No. 214, "An act to amend article 186a of an act to amend article 183 of the penal code of the State of Texas, and to amend an act entitled 'An act to amend article 186 of the penal code,' approved April 10, A. D. 1883, chapter 2, title 7, and to amend said chapter and title by adding thereto article 186a, providing ad-

ditional exemptions from the operations of the Sunday law, approved April 2, 1887, so as to leave off the exemptions, 'barber shops.'"

House bill No. 256, 'An act to provide for the levy and collection of an ad valorem state tax for general revenue purposes of fifteen cents on the hundred dollars.'

Also that the House has concurred in Senate amendments to House bills Nos. 63 and 118 and adopted the conference committee report on Senate bill No. 100.

SAM H. DIXON, Chief Clerk,

House of Representatives.

Pending bill read third time and passed by the following vote:

YEAS—24.

Burney,	Garwood,	Mott,
Carter,	Glasscock,	Pope.
Clark,	Ingram.	Potter,
Clemens,	Johnson,	Seale,
Crane,	Kimbrough,	Simkins.
Cranford,	Lubbock,	Stephens,
Finch,	Maetze,	Tyler.
Frank,	McKinney,	Weisiger.

NAYS—1.

Sims,

Senator Pope moved to postpone pending business, suspend the rules and take up out of its regular order substitute House bills Nos. 16 and 109, Adopted.

The following substitute offered by Senator Crane was adopted:

A bill to be entitled an act to relieve railroad companies chartered under the revised statutes of Texas, which have in good faith constructed any part of their roads prior to the first day of January, 1889, from the operations of articles 605 and 4278 of the revised statutes, as to the road constructed, and to relieve companies which have constructed 50 miles or more of railroad from the operation of said articles and of article 4114 of the revised statutes for two years.

Senator Crane offered the following amendment:

Providing nothing herein shall revive any claim against the State for lands or revive any claim for any other privilege than that of constructing and operating its road.

Adopted.

The bill was passed to a third reading.

Senator Pope moved to suspend the constitutional rule requiring bills to be read on three several days, and that the bill pass to a third reading and final passage.

Adopted by the following vote:

YEAS—28.

Atlee,	Harrison,	Pope.
Burney,	Ingram,	Potter,

Clark.	Johnson.	Seale.
Clemens.	Kearby.	Sims.
Crane.	Lubbock.	Simkins.
Cranford.	Maetze.	Stephens.
Finch.	McKinney.	Tyler.
Frank.	Mett.	Weisiger.
Garwood.	Page.	Whatley.
Glasscock.		

NAYS—1..

Kimbrough.

Bill read third time and passed by the following vote:

YEAS—20.

Atlee.	Glasscock.	Potter.
Burney.	Harrison.	Sims.
Carter.	Ingram.	Simkins.
Clark.	Kimbrough.	Seale.
Clemens.	Maetze.	Stephens.
Cranford.	Mett.	Tyler.
	Pope	Weisiger.

NAYS—8.

Crane.	Johnson.	Lubbock.
Frank.	Kearby.	Whatley
Finch.	McKinney.	

Senator Burney moved to suspend the rules, postpone pending business and take up out of its regular order

House bill No. 464, entitled "An act for the relief of Andrea Castanon de Villanueva, otherwise known as Madame Candelario."

Adopted and bill read second time with a favorable committee report.

Bill passed to a third reading.

On motion of Senator Seale, Senator Garwood was excused indefinitely on account of sickness.

Senator Burney presented the following memorial:

SAN ANTONIO, Tex., Feb. 12, 1891.

To all whom it may concern:

The undersigned takes this method to state that he has known Mrs. Candelaria since the year 1847. At that period of time she was recognized by all Texans visiting San Antonio as the firm and efficient friend of Texas. She was known to have been in the Alamo during the siege of that place, and to have waited on Col. James Bowie who was ill of typhoid fever. When the Mexican soldiery entered the room occupied by Col. Bowie, she had just raise dhim up to give him water. They assailed him with bayonets and killed him. It is stated on reliable Mexican authority that they drove their bayonets into his body, raised it on high, and continued this barbaric work until they were ordered to desist by a Mexican officer. In the affair of murdering Col. Bowie Madame Candelaria received a bayonet wound in the chin. The scar is plainly visible to this day.

She on various occasions secreted Americans and fed them when the Mexicans were hunting them. But for her kindness they would have been killed by Mexicans. This version of her acts of friendship has been verified

by various Americans. Creed Taylor, an old veteran soldier of Texas, was at San Antonio about two years since. He asked for Madame Candelaria. I accompanied him to her house. The recognition was mutual. They spoke of various events which occurred at San Antonio during early times. He became acquainted with her in 1835. He spoke in glowing terms of her friendship to Americans, of her secret- ing them from Mexicans, and of her services in the cause of liberating Texas from the despotism of General Santa Anna.

In early times she had money. It was ungrudgingly given to aid Texas, and to assist Americans in the hours of danger and trial. She never refused. This is the evidence given by many of the brave men who achieved the independence of the republic of Texas, and who placed her name high on the rolls of fame.

To a woman of a different nation, with whose government we were at war, on their part a war of extermination, can we reasonably refuse to extend help? She is now considered to be over one hundred years old, and is very poor. Can we turn a deaf ear to her appeal to us to pay back a portion of what she spent for Texans in the dark hours of adversity? Let us show her that such generous actions as she displayed towards our people when she, at her own imminent peril, stood between them and certain death, are not forgotten by the sons of Texas; that the brave are always generous.

JOHN S. FORD.

By consent the following reports were presented:

COMMITTEE ROOM.

Austin, April 9, 1891.

Hon. George C. Pendleton, President of the Senate:

Sir—Your Judiciary committee No. 1, to whom was referred

Senate bill No. 642, being "A bill to be entitled an act to restore and confer upon the county court of McCulloch county the civil and criminal jurisdiction heretofore belonging to said court under the constitution and general statutes of the State; to conform the jurisdiction of the district court to such change, and to repeal all laws in conflict with the provisions of this act,"

Have had the same under consideration, and I am instructed to report same back to the Senate with the commendation that it do pass.

Respectfully submitted,

POPE chairman.

COMMITTEE ROOM,
AUSTIN, April 9, 1891.

Hon. George C. Pendleton, President
of the Senate:

Sir—Your committee on Enrolled
Bills have carefully examined and com-
pared

Senate bill No. 295, being "An act
to authorize the sale and conveyance
of the Missouri, Kansas and Texas
Railway Company's lines of railroad
and properties within this state and
certain lines of railroad heretofore op-
erated by or as the property of the
Missouri, Kansas and Texas Railway
Company or as a part of the system of
roads within the State known as the
Missouri, Kansas and Texas Railway
and to provide for and authorize the
sale, transfer and conveyance of said

lines of railroad to, and the purchase
and operation thereof by a single cor-
poration, company association of per-
sons to be incorporated under the laws
of this state, and to settle and dispose
of certain pending suits, brought by
the State of Texas against said Mis-
souri, Kansas and Texas Railway Com-
pany within the powers, privileges
and franchises granted it within the
State are sought to be forfeited."

And find the same correctly en-
rolled, and have this day at ten
o'clock a. m. presented the same to the
Governor for his signature.

J. G. KEARBY,
Acting Chairman.

Senator Burney moved to suspend
the constitutional rule requiring bills
to be read on three several days, and
that the pending bill pass to a third
reading and final passage.

Adopted by the following vote:

YEAS—29.

Atlee,	Glasscock,	Page,
Burney,	Harrison,	Pope,
Carter,	Ingram,	Potter,
Clark,	John-on,	Seale,
Clemens,	Kearby,	Sims,
Crane,	Kimbrough,	Stephens,
Cranford,	Lubbock,	Tyler,
Finch,	Maetze,	Weisiger,
Frank,	McKinney,	Whatley,
Garwood,	Mott,	

NAYS—1.

Simkins,

(Senator Carter in the chair.)

Bill read third time and passed by
the following vote:

YEAS—21.

Atlee,	Garwood,	McKinney,
Burney,	Glasscock,	Mott,
Carter,	Harrison,	Page,
Clemens,	Ingram,	Pope,
Crane,	Johnson,	Seale,
Cranford,	Lubbock,	Sims,
Frank,	Maetze,	Stephens,

NAYS—9.

Clark,	Kimbrough,	Tyler,
Finch,	Potter,	Weisiger,
Kearby,	Simkins,	Whatley,

Senator Kimbrough moved to post-
pone pending business, suspend the
rules and take up out of its regular
order.

Senate joint resolution No. 19, to
amend section 4, of article 6, of the
constitution of the State of Texas, pro-
viding for a system of registration in
cities of ten thousand inhabitants or
more.

Adopted and joint resolution read
second time with a favorable commit-
tee report.

Senator Crane offered the following
amendment:

Amend by striking out the word
"Monday" and inserting the word
"Tuesday."

Adopted.

The joint resolution was ordered en-
grossed by the following vote:

YEAS—24.

Atlee,	Frank,	Mott,
Burney,	Glasscock,	Pope,
Carter,	Harrison,	Potter,
Clark,	Ingram,	Seale,
Clemens,	Kearby,	Sims,
Crane,	Kimbrough,	Stephens,
Cranford,	Maetze,	Weisiger,
Finch,	McKinney,	Whatley,

NAYS—1.

Lubbock,

Mr. President:—While I am op-
posed in principle to a "registration
law" I vote "aye," that the peo-
ple may determine for themselves
whether they want it.

JNO. W. CRANFORD.

Senator Sims moved to postpone
pending business, suspend the rules
and take up out of its regular order

House bill No. 642, entitled "An act
to restore and confer upon the county
court of McCulloch county the civil
and criminal jurisdiction heretofore
belonging to said court under the
constitution and general statutes of
the state of Texas, to conform the ju-
risdiction of the district court to such
change and to repeal all laws in con-
flict with the provisions of this act."

Adopted.

And bill read second time with a fa-
vorable committee report.

The bill was passed to a third read-
ing.

Senator Sims moved to suspend the
constitutional requiring bills to be read
on three several days and that the bill
pass to a third reading and final pas-
sage.

Adopted by the following vote:

YEAS—24.

Burney,	Glasscock,	Pope,
Carter,	Harrison,	Potter,

Clark,	Ingram,	Seale,
Clemens,	Kearby,	Sims,
Crane,	Kimbrough,	Stephens,
Cranford,	Lubbock,	Tyler,
Finch,	Maetze,	Weisiger,
Frank,	Mott,	Whatley.

NAYS—None.

The following report was presented:

COMMITTEE ROOM,
AUSTIN, Tex., April 11, 1891. }

Hon. Geo. C. Pendleton, President of the Senate:

Sir—Your committee on Engrossed Bills have carefully examined and compared

Senate bill No. 385, being "An act to amend section 9 of an act entitled 'An act to provide for the purchase of a site and the establishment, location, construction and maintenance of a State Orphan Asylum, passed at the regular session of the Twentieth Legislature, and approved April 4, 1889,'"

And find the same correctly engrossed.

KIMBROUGH,
Acting Chairman.

(The President in the Chair.)

Pending bill read third time and passed by the following vote:

YEAS—26.

Atlee,	Glasscock,	Pope,
Burney,	Harrison,	Potter,
Carter,	Ingram,	Seale,
Clark,	Kearby,	Sims,
Clemens,	Kimbrough,	Stephens,
Crane,	Lubbock,	Tyler,
Cranford,	Maetze,	Weisiger,
Finch,	McKinney,	Whatley.
Frank,	Mott,	

NAYS—None.

Senator Seale moved to postpone pending business, suspend the rules and take up out of its regular order

Substitute House bill No. 400, entitled "An act making appropriations for the support of the state government for the years beginning March 1, 1891, and ending February 29, 1893, to cover deficiencies and for other purposes."

Senator Clemens moved as an amendment to also take up

Substitute Senate bill No. 258, entitled "An act making appropriations for the support of the State government for the years beginning March 1, 1891, and ending February 28, 1893, and for other purposes."

The amendment was accepted by Senator Seale.

The amendment as amended was adopted and

Substitute House bill No. 400 read second time with the following amendments:

COMMITTEE ROOM,

Austin, April 10, 1891.

Hon. Geo. C. Hendleton, President of the Senate:

Sir—Your committee on Finance, to whom was referred

Substitute House bill No. 400, entitled "An act making appropriations for the support of the state government for the years beginning March 1st, 1891, and ending February 28, 1893, to cover deficiencies and other purposes,"

Have had the same under consideration, and I am instructed to report the same back to the Senate with the recommendation that it do pass with the following committee amendments, and that it be considered in connection with Substitute Senate bill No. 258, by committee.

1. Strike out in line 5, page 2, \$1800 for each year and substitute \$2000 for same.

2. Strike out all in lines 13, 14, 15, 16, and 17, page 2, and insert in lieu "repairing, papering and furnishing the house, \$2000 for the first year and \$1000 for the second year."

3. Add to line 6, page —, after the word "clerk" the following: "Who shall also act as clerk of the penitentiary board."

4. Add under executive office the following items:

One sixty-drawer Shannon filing cabinet, two extra alphabets, five dozen binding cases similar to those in the offices of the attorney-general and secretary of State. Also roller copier and one dozen rolls copying paper, with freight and drayage, \$350.00.

5. Amount due for labor on grounds at Governor's Mansion January and February, 1891, \$40.00.

6. Amount due Kreisle & Co., Austin, for carpet lining, etc., taking up, cleaning and relaying old carpet in January, 1891, \$49.88.

7. To pay for repairing and tuning piano by Thomas Goggan & Bro., February 1, 1891, \$20.00.

STATE DEPARTMENT.

Add to State department, page 2, the following items:

Deficiencies for books and stationery to J. J. Tobin for February, 1891, \$54.02.

Deficiency for postage and express to Wells Fargo & Co., for February, 1891, \$6.85.

Deficiency Western Union Telegraph company, telegraphing, February, 1891, \$2.90.

Deficiency for ice to Zimpleman & Burnett from January to February, 1891, \$5.10.

TREASURY DEPARTMENT.

Strike out all in line 11, page 4, and insert in lieu thereof the following:

Office furniture, files, cases, etc., \$300—100.

COMPTROLLER'S OFFICE.

Strike out all of line 13, page 5, and insert in lieu thereof salary of two warrant clerks at \$1400 each, \$2800—2800.

Strike out all of lines 24, 25, 26, 27, on page 5, and insert in lieu thereof salary of eight second assistant clerks at \$100, \$2800—2800.

Strike out in line 2, page 6, 729 in each line and insert in lieu thereof \$600—600.

Strike out on page 5, lines 28 and 29, and insert in lieu thereof salary of one porter and messenger, \$360—360.

Strike out in line 4, on page 6, \$3300 for one year and insert in lieu thereof \$2500—2500.

Strike out all of lines 7, 8, 9 and 10, on page 6.

GENERAL LAND OFFICE.

Strike out all of lines 20 and 21 on page 6 and insert in lieu thereof salaries of three corresponding clerks at \$1200 each, \$3600—3600.

Strike out all of lines 22 and 23 on page 6 and insert in lieu thereof salaries of three patent clerks, \$3600—3600.

Strike out line 25 on page 6, and insert in lieu thereof salary of one assistant filing clerk, \$1200—1200.

Salary of one filing clerk, \$1350—1350.

Strike out all of lines 29 and 30 on page 6, and insert in lieu thereof salaries of three transcript clerks at \$1200 each, \$3600—3600.

Strike out all of lines 31 and 32 on page 6, and also line 2, page 7, and insert in lieu thereof salaries of seven compiling draftsmen at \$1500 each, \$10,500—10,500.

Strike out 250 and 250 in line 9, page 7, and insert \$200—200.

Add under General Land Office the following items:

Salary of chief corresponding clerk, \$1500—1500.

Salary of one assistant chief draftsman, \$1500—1500.

Salary of one calculator, \$1350—1350.

ATTORNEY GENERAL'S OFFICE.

Strike out in line 2, page 8, \$2000 for each year and insert \$2250—2250.

DEPARTMENT OF AGRICULTURE, INSURANCE, STATISTICS AND HISTORY.

Strike out in line 4, page 9, \$2000 for each year, and insert in lieu thereof \$2500—2500.

In line 23, page 10, strike out \$3000 for each year, and insert in lieu thereof \$5000—5000.

Strike out in line 22, page 19, \$35,000 for each year and insert in lieu thereof \$50,000—50,000.

In line 25, page 10, strike out \$1400 and insert \$1200.

For the purpose of republishing Pressler & Langerman's map of Texas, published in 1879, the map to be brought up to date, scale 8 miles to an inch, to show the result of the topographical survey of the Geological department; also new county lines and railroads. Fifty copies of said map to be delivered to the State free, and any amount wanted by the State over and above fifty copies to be paid for at the rate of \$6.00 per copy, \$2000.

Amount to be paid to said Pressler & Langermann on the order of the Governor after said map has been certified to by the commissioner of the general land office and the commissioner of insurance, statistics and history.

PRINTING BOARD.

Strike out all of lines 11, 12, 13, 14, 15, 16, 17, 18, 19 and 20, page 11. Add under printing board department, publishing supreme court reports \$6000 for each year. Publishing court of appeals reports, \$4000 for each year.

COURT OF APPEALS.

In line 27 page 12, strike out \$900 for each year and insert in lieu thereof \$600 for each year.

In line 32, page 12, strike out \$200 for each year and insert \$100 for each year.

Strike out all of lines 5, 6, 7 and 8 on page 13.

QUARANTINE.

On page 18 strike out lines 17, 18, 19, 20, 21, 22, 23, 24, 25, 26 and 27.

Add under this department: The state health officer is directed and empowered to sell the boat 'Bessie Ross' to the best advantage, and the proceeds therefrom to be paid into the treasury of the state and applied to the payment of above appropriations for quarantine purposes.

JUDICIAL DEPARTMENT.

Strike out all of lines 9 and 10 on page 14.

Strike out on page 15 all of lines 2 and 3.

PUBLIC BUILDINGS AND GROUNDS.

Strike out in line 5, page 16, "\$1350 each year," and insert "\$1200 each year."

In line 11, page 16, strike out "\$1200

each year," and insert "\$960 each year."

In line 12, page 16, strike out 1680 each year and insert 1500 each year.

Strike out in line 15, page 16, the word 'three' and insert 'two' in lieu thereof, and also in line 16 strike out 2160 each year, and insert 1200 each year.

Add under this department the following items:

Improvement at boiler house and tunnel, and enlarging boiler house, engine house, coal shed and tunnel, \$7000.

One fifty horse power engine, \$1000.
One two hundred light dynamo, \$1500.

One twenty light arc dynamo, \$1500.
Two seventy horse power boilers, \$1500.

For lighting vaults during day time, \$600.

Provided that the above amounts shall not be used if equivalent power can be procured otherwise.

Expenses for extra hands, gas and water for month of March \$214.55.

Flag staff \$100.

Pensions:

Add pay of M. B. Irwin, special pensioner, \$150 each year.

Pay of P. H. Bell, special pensioner, \$150 each year.

Blind Asylum:

On page 30, strike out lines 12 and 13, and insert in lieu thereof purchasing from Miss Lizzie Threshley patent right for the State of Texas to the point type writer for blind pupils, \$2000.

Public Debt:

Add after the word "years" line 7, page 19, the words "out of the general revenue."

Strike out the words "said amount" in line 8, page 19, and insert in lieu thereof "any other bonds falling due the amount necessary to be borrowed."

DEAF AND DUMB ASYLUM.

On page 30, in line 25, strike out the words "at \$540 per annum each."

ORPHAN ASYLUM.

Line 32, page 31, strike out \$1200 and insert \$1800 each year.

UNIVERSITY OF TEXAS.

On page 35, in line 7, strike out 100 and insert 20 in lieu thereof.

On page 36, in line 30, strike out 100 and insert 20 in lieu thereof.

PRISONERIES.

Add buildings at Huntsville, \$10,000.

REFORMATORY.

Strike out on page 40, in line 10, \$070

for both years and insert \$720 for each year in lieu thereof.

On page 40, in line 20, strike out \$2500 for the first year and insert \$2620 in lieu thereof.

MISCELLANEOUS.

On page 42 strike out in line 16, 154, also in line 20, 343, and insert in lieu of both of said amounts \$200.

Add the following items:

For C. L. Thurman, sheriff of Victoria county, for conveying prisoners to the penitentiary in full settlement of all claims against the state, \$125.

Deficiencies in publishing advertisements for supplies for asylums for quarter ending March 1, 1891, \$198.

Julius Holm, sheriff, in attending trial in identifying Wm. White, an escaped convict, \$42.91

H. Kohlenberg, attached witness in case No. 2528 in Victoria county, to identify Wm. White an escaped convict, \$14.78.

Frederick Kohlenberg, attached witness in case No. 2528, in Victoria county, to identify William White, an escaped convict, \$14.78.

MISCELLANEOUS DEFICIENCIES.

For publishing supreme court reports, \$232.47.

Contingent expenses general land office, \$30.00.

ATTORNEY GENERAL'S OFFICE.

Stationery, \$75.00,

Law books and periodicals, \$40.00.

For fees of county judges, justices of the peace, sheriffs and constables in examining trials, \$5000.

For salaries of district judges for February, 1891, N. A. Stedman, \$208.33.

LUNATIC ASYLUM AT AUSTIN.

Groceries, provisions, etc., estimated for February, 1891, \$5000.

Groceries, provisions, etc., actual, to February 1, 1891, \$4,981.82.

Dry goods, bedding, etc., \$1,021.83.

Dry goods, bedding, etc., estimated for February, 1891, \$500.

Repairs, sewerage, etc., actual, to February 1, 1891, \$1,253.43.

Repairs, sewerage, etc., estimated for February, 1891, \$500.

Medical stores, etc., actual, to February 1, 1891, \$256.38.

Medical stores, etc., estimated, for February, 1891, \$200.

LUNATIC ASYLUM (TERRELL.)

Groceries, fuel, gas and water, \$6,927.27.

Furniture, beds, etc., \$321.56.

Medical stores \$175.73.

General repair, \$39.47.

Trees, seed and stock, contracted by

old administration and approved by new, \$64.

DEPARTMENT OF STATE.

Books and stationery, \$54.02.

Postage and express, \$9.75.

Contingent, \$5.10.

For publishing constitutional amendments, \$20,000.

OTHER DEFICIENCIES.

To J. G. Taylor, assignee of P. C. Taylor, to 2 barrels Portland cement, \$9.00.

To Samuel I. Pope & Co., 729 barrels Lanham's grate castings and cartage, \$48.52.

For mileage and per diem of members of committee, pay of stenographer, and sergeant-at-arms, and of witnesses, provided in concurrent resolution No. —, providing for joint committee to investigate the receivership of the International and Great Northern Railroad, or so much thereof as may be necessary, \$1000.00.

To purchase McArdle's painting, known as the "Log Cabin History of Texas," to be purchased by the same board and on same condition as the Huddle painting hereinbefore mentioned, \$2500.00.

The chair gave notice of signing and signed, in presence of the Senate,

House bill No. 640, entitled "An act to amend an act incorporating the city of San Antonio," approved August 13, 1870, and all acts amendatory thereof, and to validate certain acts thereunder.

House bill No. 129, entitled "An act to protect stockraisers, farmers and horticulturists, providing for the destruction of wolves and other wild animals; to make an appropriation therefor, and to repeal chapter 119 relating to the same subject," approved April 2, 1887.

The committee amendments to the appropriation for the executive department to the pending bill were adopted.

The committee amendments to the appropriation for the state department were adopted.

The committee amendments to the appropriation for the treasury department were adopted.

The committee amendments to the appropriation for the comptroller's department were adopted.

The committee amendments to the appropriation for the general land office were adopted.

The committee amendment to the appropriation for the attorney general's office was adopted.

The committee amendments to the appropriation for the department of agriculture, statistics and history read and considered.

A division being called for the division to "strike out in line 22, page 19, \$35,000 for each year and insert in lieu thereof \$50,000—50,000" was

Lost by the following vote:

YEAS—12.

Atlee,	Ingram.	Mott.
Burney.	Kimbrough,	Simkins,
Clemens,	Lubbock,	Stephens.
Frank.	Maetze,	Weisiger.

NAYS—15.

Clark,	Harrison,	Potter,
Crane.	Johnson,	Seale,
Cranford,	Kearby,	Sims,
Finch,	McKinney,	Tyler,
Glasscock,	Pope	Whatley,

Senator Crane moved to reconsider the vote by which the amendment was lost.

Adopted.

The amendment was lost by the following vote :

YEAS—12.

Atlee,	Ingram.	Mott,
Burney,	Kimbrough,	Simkins,
Clemens,	Lubbock,	Stephens.
Frank.	Maetze.	Weisiger.

NAYS—15.

Clark,	Harrison,	Potter,
Crane,	Johnson,	Seale.
Cranford,	Kearby,	Sims,
Finch.	McKinney,	Tyler,
Glasscock	Pope.	Whatley.

The other amendments to the appropriation for the Department of Agriculture, Statistics and History were adopted.

The amendments to the appropriation for the Printing Board were adopted.

The amendments to the appropriation for Quarantine read and approved.

A division being called for, the first amendment to strike out lines 17, 18, 19, 20, 21, 22, 23, 24, 25, 26 and 27 was adopted by the following vote:

YEAS—14.

Burney,	Frank,	Lubbock.
Clark.	Harrison,	Maetze,
Clemens,	Johnson.	Potter,
Cranford,	Kearby,	Whatley.
Finch,	Kimbrough,	

NAYS—11.

Atlee,	Mott,	Stephens.
Glasscock,	Seale,	Tyler,
Ingram,	Simkins,	Weisiger.
McKinney.	Sims.	

The following message was received from the House:

HALL OF THE HOUSE OF REPRESENTATIVES, AUSTIN, TEXAS. }
April 11, 1891.

Hon. Geo. C. Pendleton, President of the Senate:

Sir—I am directed to inform the Senate that the House has passed

House bill No. 623, "An act to regulate the establishment of quarantines in the state of Texas, and in the counties, cities and towns thereof, and to repeal all laws and parts of laws in conflict therewith."

Also House Concurrent Resolution:

To make more effective a concurrent resolution passed at the present session of the Legislature, appointing a committee to investigate the case of Jay Gould versus the International and Great Northern Railway Company in the district court of Smith county, and all the proceedings had and done in said cause and in other causes in that and other courts of the State affecting said railroad company and its receivers, to authorize said investigating committee to appoint a sergeant-at-arms, prescribe his duties, and to provide for the compensation of witnesses summoned by said committee and testifying before it, and to provide for the payment of other expenses incurred in said investigation.

SAM H. DIXON, Chief Clerk,
House of Representatives.

The following privileged report was presented:

COMMITTEE ROOM,
Austin, April 11, 1891.

Hon. George C. Pendleton, President of the Senate:

Sir—Your committee on Engrossed Bills have carefully examined and compared

Senate resolution No. 19 to amend section 4 of article 6 of the constitution of the state of Texas providing for a system of registration in cities of 10,000 inhabitants or more,

And find the same correctly engrossed.

CARTER, Chairman.

Senator Johnson moved to reconsider the vote adopting the pending amendment.

Adopted.

The amendment was adopted by the following vote:

YEAS—14.

Burney,	Finch,	Lubbock,
Clark,	Frank,	Maetze,
Clemens,	Harrison,	McKinney,
Crane,	Kearby,	Whatley,
Cranford,	Kimbrough,	

NAYS—11.

Atlee,	Mott,	Sims,
Glasscock,	Pope,	Stephens,
Ingram,	Seale,	Tyler,
Johnson,	Simkins,	

The second committee amendment to the appropriation for quarantine was adopted.

The committee amendment to the appropriation for the judicial depart-

ment was adopted.

The committee amendments to the appropriation for public buildings and grounds were read and considered.

A message was received from his excellency the Governor containing appointments of notaries public in sundry counties.

(Senator Pope in the chair.)

A division of the pending amendments being called for the following amendment was lost by the following vote:

Improvement at boiler house and tunnel and enlarging boiler house, engine house, coal shed and tunnel, \$7000.

YEAS—12.

Atlee,	Frank,	Maetze,
Burney,	Glasscock,	McKinney,
Clark,	Johnson,	Mott,
Clemens,	Kimbrough,	Page,

NAYS—12.

Crane,	Pope,	Sims,
Finch,	Potter,	Stephens,
Harrison,	Seale,	Tyler,
Lubbock,	Simkins,	Whatley,

The following committee amendments under the head of judicial department were lost.

One fifty horse power engine, \$1000.

One two hundred light dynamo, \$1500.

One twenty light arc dynamo, \$1500.

Two seventy horse power boilers, \$1500.

Provided that the above amounts shall not be used if equivalent power can be procured otherwise.

All the other committee amendments under the head of judicial department were adopted.

Substitute House bill No. 256, entitled "An act to provide for the levy and collection of an ad valorem state tax for general revenue purposes of fifteen cents on the hundred dollars."

Read first time and referred to committee on Finance.

The committee amendment to the appropriation for the Blind Asylum was adopted.

The committee amendments to the appropriation for the public debt were lost by the following vote:

YEAS—8.

Atlee,	Lubbock,	Sims,
Clemens,	Mott,	Weisiger,
Ingram,	Potter,	

NAYS—19.

Burney,	Harrison,	Pope,
Clark,	Johnson,	Seale,
Crane,	Kearby,	Simkins,
Cranford,	Kimbrough,	Stephens,
Finch,	McKinney,	Tyler,
Frank,	Page,	Whatley,
Glasscock,		

The committee amendment to the appropriation for the deaf and dumb asylum was adopted.

The committee amendment to the appropriation for the orphan asylum was adopted.

The committee amendment to the appropriation for the University of Texas was

Adopted by the following vote:

YEAS—15.

A tlee,	Cranford,	Maetze,
Burney,	Frank,	Simkins,
Carter,	Ingram,	Sims,
Clark,	Kimbrough,	Tyler,
Olemens,	Lubbock,	Weisiger,

NAYS—12.

Crane,	Kearby,	Pope,
Finch,	McKinney	Potter,
Glasscock,	Mott,	Seale,
Johnson,	Page,	Stephens,

By consent the following reports were presented:

COMMITTEE ROOM,
Austin, April 11, 1891.

Hon. George C. Pendleton, President of the Senate:

Sir—Your committee on Finance, to whom was referred

Substitute House bill No. 256, being a bill to be entitled "An act to provide for the levy and collection of an annual ad valorem State tax for general revenue purposes of fifteen cents on the one hundred dollars,"

Have had the same under consideration, and I am instructed to report the same back to the Senate with the recommendation that it do pass.

Respectfully submitted,

McKINNEY, Chairman.

COMMITTEE ROOM,
Austin, April 11, 1891.

Hon. George C. Pendleton, President of the Senate.

Sir—Your committee on Engrossed Bills have carefully examined and compared

Substitute Senate bill No. 389 for House substitute bills 16 and 109, being "An act to relieve railroad companies chartered under the revised statutes of Texas, which have in good faith constructed any part of their roads prior to the first day of January, 1889, from the operation of articles 605 and 4278 of the revised statutes, as to the road so constructed, and to relieve railway companies which have constructed fifty miles, or more of railroad from the operation of said articles and of articles 4114 of the revised statutes for two years."

And find the same correctly engrossed.

CARTER, Chairman.
COMMITTEE ROOM,
Austin, April 11, 1891.

Hon. George C. Pendleton, President of the Senate:

Sir—Your Judiciary committee No. 1, to whom was referred

Substitute house bill 216, being "An act to amend article 1007 of an act passed by the Nineteenth legislature and approved March 26, 1885, entitled "An act to amend articles 1006, 1007 and 1008 of the revised civil statutes of the state of Texas," approved February 21, 1879, passed by the Eighteenth legislature and approved April 9, 1883, and to amend article 1008 of an act passed by the Twenty-first legislature and approved February 21, 1889, entitled "An an act to amend articles 1006 and 1008 of an act passed by the Twentieth legislature approved March 25, 1887, entitled an act to amend articles 1006 and 1008 of an act passed by the Nineteenth legislature approved March 26, 1885, entitled an act to amend articles 1006, 1007 and 1008 of an act entitled an act to amend articles 1006, 1007 and 1008 of the revised civil statutes of the state of Texas, approved February 21, 1879, passed by the Eighteenth legislature and approved April 9, 1883.

Have had the same under consideration, and I am instructed to report the same back to the Senate with the recommendation that it do pass, with the following amendments:

First—Amend the first section of the bill by inserting in line 10, after the word "Tyler," "Tarrant," "Navarro."

Second—Add to section 1 the following: Provided, That all appeals and writs of error from the district and county courts of Tarrant county had, taken or made prior to the first day of October, 1891, shall be returnable to the term of said supreme court and court of appeals, to be held at Tyler, commencing the first Monday in October, 1891, and all cases pending in said court at the adjournment of the Tyler term, 1891, appealed from Tarrant county, shall be by said supreme and appellate court transferred to Galveston and shall be tried and determined in the same manner as if said cases had been made originally returnable to the term of said court held at Galveston.

Respectfully submitted,

POPE, Chairman.

The following message was received from the House:

HOUSE OF REPRESENTATIVES, }
TWENTY-SECOND LEGISLATURE, }
Austin, April 9, 1891 }

Hon. Geo. C. Pendleton, President of the Senate:

Sir—I am directed to inform the Senate that the House has passed

Senate bill No. 323, being "An act to amend section 9. of 'An act to authorize any city or town in this state to compromise existing indebtedness, and issue new bonds to be sold or exchanged for this purpose and to provide for the efficient collection of taxes to pay the principal and interest of such new bonds, and to provide for the appointment of receivers for said municipal corporations during the pendency of negotiations for such compromise,'" approved March 26, 1887.

Ayes 73, noes none.

SAM H. DIXON,
Chief Clerk of the House of Representatives.

By consent Senator Carter introduced the following bill:

A bill to be entitled "An act to amend sections 1 and 2 of an act entitled an act to amend section 1 of an act entitled an act to amend an act to amend an act entitled an act to redistrict the state into judicial districts and fix the times for holding court therein, and to provide for the election of judges and district attorneys in said districts, at the next general election, to be held on the first Tuesday after the first Monday in November, 1884, approved April 9th, 1883, approved March 24th, 1885, to create the forty-third judicial district of the State of Texas, fix the times for holding court therein, and to provide for the appointment of a district judge for said district, approved March 30th, 1887; to create the forty-eighth judicial district of the state of Texas, fix the times for holding court therein, and to fix the times for holding court in the seventeenth judicial district of the State of Texas, and to provide for the appointment of a district judge of the said forty-eighth judicial district, approved February 6th, 1891.

Read first time and referred to committee on Judicial Districts.

The committee amendment to the appropriation for the penitentiaries was adopted.

The committee amendments to the appropriation for the reformatory were adopted.

The committee amendments to the appropriation for miscellaneous matters were read and considered.

Senator Harrison moved to postpone further consideration of the bill until it be printed.

Lost.

A division of the pending amendments being called for,

Senator Clemens moved that the following be adopted:

For C. L. Thurman, sheriff of Victoria county, for conveying prisoners to the penitentiary in full settlement of all claims against the state, \$125.

Deficiencies in publishing advertisements for supplies for asylums for quarter ending March 1, 1891, \$198.

Julius Holm, sheriff, in attending trial in identifying Wm. White, an escaped convict, \$42 91.

H. Kohlenberg, attached witness in case No. 2528, in Victoria county, to identify Wm. White, an escaped convict, \$14.78.

Frederick Kohlenberg, attached witness in case No. 2528, in Victoria county, to identify Wm. White, an escaped convict, \$14.78.

Which motion prevailed.

The following amendment:

On page 42 strike out in line 16, 154, also in line 20, 343, and insert in lieu of both of said amounts \$200.

Was adopted by the following vote:

YEAS—22.

Burney,	Kearby,	Pope,
Carter,	Kim rough,	Potter,
Clark,	Lubbock,	Sims,
Clemens,	Mactze,	Stephens,
Cranford,	McKinney,	Tyler,
Finch,	Mott,	Weisiger,
Harrison,	Page,	Whatley,
Johnson,		

NAYS—3.

Frank,	Glasscock,	Seale,
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Senator Harrison moved to postpone further consideration of the bill and amendments until they are printed.

Lost by the following vote:

YEAS—5.

Harrison,	Kimbrough,	Simkins,
Ingram,	Page,	

NAYS 21.

Atlee,	Frank,	Pope,
Burney,	Johnson,	Potter,
Clark,	Kearby,	Seale,
Clemens,	Lubbock,	Sims,
Crane,	Mactze,	Tyler,
Cranford,	McKinney,	Weisiger,
Finch,	Mott,	Whatley,

The committee amendments to the appropriation for miscellaneous deficiencies were adopted down to and including the following:

"To Samuel I. Pope & Co., 729 barrels Lanham's grate castings and cartage. \$48.52.

The following committee amendment was adopted:

For mileage and per diem of members of committee, pay of stenographer and sergeant-at-arms and of witnesses, provided in concurrent resolution No. —, providing for joint committee to investigate the receivership of the International and Great Northern railroad, or so much thereof as may be necessary, \$1000.

The chair gave notice of signing and

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signed in presence of the Senate after their titles had been read House bill No. 64, entitled "An act to amend articles 2976, 2977 and 2980, title 54 of the revised civil statutes relating to interest."

Also House bill No. 118, entitled "An act to amend article 1574, title 32 of the revised statutes of the state of Texas."

Also House bill No. 482, entitled "An act to amend article 4113 of the revised civil statutes of the state of Texas and to validate all charter amendments in accordance with the article as amended."

MESSAGE FROM THE HOUSE.

HOUSE OF REPRESENTATIVES,
TWENTY-SECOND LEGISLATURE,
Austin, Tex., April 11, 1891. }

Hon. Geo. C. Pendleton, President of the Senate:

Sir—I am directed to inform the Senate that the House has passed

House bill No. 612, "An act to amend an act to establish and maintain a system of public free schools for the State of Texas, and to amend so much of chapter 25, section 43, of the revised civil statutes of Texas as refer to public free schools outside of incorporated cities assuming or having assumed control of their public free schools."

I am also instructed to ask the return to the House of Senate bill No. 365 as a motion has been entered on the journal to reconsider the vote by which it passed the House.

SAM H. DIXON, Chief Clerk
House of Representatives.

The request of the House for the return of Senate bill No. 365 was granted.

House bill No. 214, entitled "An act to amend article 186a of an act to amend article 183 of the penal code of the state of Texas, and to amend an act entitled an act to amend article 186 of the penal code, approved April 10, A. D. 1883, chapter 2, title 7, and to amend said chapter and title by adding thereto article 186a, providing additional exemptions from the operation of the Sunday law, approved April 2, 1887, so as to leave off of the exemptions "barber shops."

Read first time and referred to Judiciary committee No. 2.

House bill No. 623, entitled "An act to regulate the establishment of quarantine stations in the State of Texas and in the counties, cities and towns thereof, and to repeal all laws and parts of laws in conflict therewith."

Read first time and referred to committee on Public Health.

On motion of Senator Pope the Senate adjourned to 3 p. m. this day.

AFTERNOON SESSION.

The Senate met pursuant to adjournment.

Lieutenant-Governor Pendleton in the chair.

Roll called.

Quorum present.

The following Senators answering to their names:

Clark,	Johnson,	Seale.
Clemens,	Kimbrough,	Simkins,
Crane,	Lubbock,	Sims.
Cranford,	Maetze,	Stephens,
Finch,	McKinney,	Townsend,
Frank,	Mott,	Tyler,
Glasscock,	Page,	Weisiger,
Harrison,	Pope,	Whatley.
Ingram,	Potter,	

Senator Crane moved to postpone pending business, suspend the rules and take up out of its regular order the following concurrent resolution: To make more effective a concurrent resolution, passed at the present session of the Legislature, approving a committee to investigate the case of Jay Gould versus the International and Great Northern railway company in the district court of Smith county and all proceedings had and done in said cause and other causes in that and other courts of the state affecting said railroad company and its receivers to authorize said investigating committee to appoint a sergeant at arms, prescribe his duties and provide for his compensation, to provide for the compensation of witnesses summoned by said committee testifying before it and to provide for the payment of other expenses incurred in said investigation.

Adopted and concurrent resolution adopted.

Senator Frank offered the following report:

COMMITTEE ROOM,
Austin, April 11, 1891.

Hon. Geo. C. Pendleton, President of the Senate and Hon. R. T. Milner, Speaker of the House of Representatives:

SIRS:

Your free conference committee, to whom was referred the differences existing between the two houses for settlement on

Substitute House bill No. 79, "An act to amend articles 1228, 1229 and 1280 of the revised civil statutes of the state of Texas," have had the same under consideration and beg leave to make the following report:

That the Senate recede from the following Senate amendment:

Amend the bill by adding to the first section and article 1280 the following:

Provided, that in counties where the term last longer than eight weeks the plaintiff shall be entitled to judgment by default where no answer shall be filed after the citation has been served during the term for twenty days, and if answer shall be filed within twenty days in such case, then the case shall stand for trial during said terms as if the citation had been served ten days before appearance day as in ordinary cases.

All of which is respectfully submitted.

LINDSEY,
AGNEW,
ROGAN of Brown,
ADKINS,
BROWN,

On the part of the House.

STEPHENS,
CRANFORD,
CARTER,
TOWNSEND,
MOTT,

On the part of the Senate.

The report was adopted by the Senate.

The following messages were received from the House:

HOUSE OF REPRESENTATIVES,
TWENTY-SECOND LEGISLATURE, }
Austin, Texas, April 11, 1891.

Hon. Geo. C. Pendleton, President of the Senate:

Sir—I am directed to inform the Senate that the House has concurred in Senate amendment to House bill No. 57; also that the House has adopted the conference report on Substitute House bill No. 79; and that the House has passed House bill No. 621, "An act to attach Hutchinson county to Roberts county for judicial purposes."

SAM H. DIXON,
Chief Clerk House of Representatives.

HOUSE OF REPRESENTATIVES,
TWENTY-SECOND LEGISLATURE, }
Austin, Tex., April 12, 1891.

Hon. George C. Pendleton, President of the Senate:

Sir—I am directed to inform the Senate that the House has refused to reconsider the vote passing Senate bill No. 365.

Senate bill No. 331, "An act to amend title 50, article 2838 of the Revised Civil Statutes of the State of Texas."

Ayes 80, noes 4.

Senate bill No. 351, being "An act for the punishment of persons furnish-

ing, giving or using any false pedigree or false certificate of sale," with amendments.

Senate Joint resolution No. 16, being "Joint resolution to amend sections 1, 2, 3, 4, 5, 6, 7, 8, 11, 12, 16, 25 and 28, article 5 of the constitution of the State of Texas," with attached amendments.

Ayes 93, noes 2.

SAM H. DIXON,

Chief Clerk House Representatives.

The chair gave notice of signing and signed in presence of the senate after their titles had been read:

Substitute Senate bill No. 100, being "An act to amend an act entitled an act to amend article 566, chapter 2, title 20 of the revised civil statutes of the state of Texas, as amended by the Twentieth legislature, approved March 22, 1887, and as amended at the special session of the Twentieth legislature, approved April 30, 1888."

Also

Senate bill No. 365, being "An act to amend section 6 of an act entitled 'An act to require railroad companies in this state to provide separate coaches for white and negro passengers, and to prohibit passengers from riding in coaches other than those set apart for their race, and to confer certain powers upon conductors, and to provide penalties for the violation of this act, passed by the Twenty-second Legislature, and approved March, 1891.'"

Also

Senate bill No. 323, being "An act to amend section 9 of 'An act to authorize any city or town in this state to compromise existing indebtedness and to issue new bonds to be sold or exchanged for this purpose, and to provide for the efficient collection of taxes to pay the principal and interest of such new bonds and to provide for the appointment of receivers for said municipal corporations during the pendency of negotiations for such compromise,' approved March 26, 1887."

Also

Senate bill No. 346, being an act to be entitled "An act to encourage the construction and maintenance of deep water harbors, navigable channels, docks and wharves on the gulf coast within the state of Texas, and to define the rights and duties and fix the liabilities of the corporations that may acquire rights or privileges under this act."

Also

Senate concurrent resolution pro-

viding for sending delegates to the commercial congress at Kansas City April 15, 1891.

Also

House bill No. 464, entitled "An act for the relief of Andrew Castanon de Villanueva, otherwise known as Madam Candelaria."

Also

House bill No. 574, entitled "An act for the protection of certain birds and their eggs and prescribing penalties for violation of this act."

The following privileged reports were handed in:

COMMITTEE ROOM,
Austin, April 11, 1891.

Hon. George C. Pendleton, President of the Senate:

Sir—Your committee on Enrolled Bills have carefully examined and compared

Senate concurrent resolution providing for sending delegates to the commercial congress at Kansas City April 15, 1891.

And find the same correctly enrolled, and have this day, at 3:45 p. m., presented the same to the Governor for his approval.

CRANE, Chairman.
COMMITTEE ROOM,
Austin, April 11, 1891.

Hon. George C. Pendleton, President of the Senate:

Sir—Your committee on Enrolled Bills have carefully examined and compared

Senate bill No. 365, being "An act to amend section 6 of an act to require railroad companies in this state to provide separate coaches for white and negro passengers, and to prohibit passengers from riding in coaches other than those set apart for their race and to confer certain powers upon conductors and to provide penalties for the violation of this act, passed by the Twenty-second Legislature and approved March 1891,"

And find the same correctly enrolled and have this day, at 3:45 o'clock p. m., presented the same to the governor for his signature.

CRANE, Chairman.
COMMITTEE ROOM,
Austin, April 11, 1891.

Hon. Geo. C. Pendleton, President of the Senate:

Sir—Your committee on Enrolled Bills have carefully examined and compared

Senate bill No. 346, being "An act to be entitled an act to encourage the construction and maintenance of deep

water harbors, navigable channels, docks and wharves on the Gulf coast within the State of Texas, and to define the rights and duties, and fix the liabilities of the corporations that may acquire land or privileges under this act,"

And find the same correctly enrolled, and have this day, at 3:45 o'clock p. m. presented the same to the governor for his signature.

CRANE, Chairman.

COMMITTEE ROOM,
Austin, April 11, 1891.

Hon. Geo. C. Pendleton, President of the Senate:

Sir—Your committee on Enrolled Bills have carefully examined and compared

Senate bill No. 323, being an act to amend section 9 of "An act to authorize any city or town in this State to compromise existing indebtedness, and to issue new bonds to be sold or exchanged for this purpose, and to provide for the efficient collection of taxes to pay the principal and interest of such new bonds, and to provide for the appointment of receivers for said municipal corporations during the pendency of negotiations for such compromise," approved March 26, 1887,

And find the same correctly enrolled, and have this day, at 3:45 o'clock p. m. presented the same to the governor for his approval.

CRANE, Chairman.
COMMITTEE ROOM,
Austin, April 11, 1891.

Hon. George C. Pendleton, President of the Senate:

Sir—Your Committee on Enrolled Bills have carefully examined and compared

Senate substitute bill No. 100, being "An act to amend an act entitled an act to amend article 566, chapter 2, title 20, of the revised civil statutes of the state of Texas, as amended by the Twentieth Legislature approved March 22, 1887, and as amended at the special session of the Twentieth Legislature, approved April 30, 1888,"

And find the same correctly enrolled and have this day, at 3:45 o'clock p. m., presented the same to the governor for his signature.

CRANE, Chairman.

Substitute House bill No. 400, on second reading.

Question recurred to the last committee amendment on page 15 as follows:

To purchase McArdle's painting, known as the "Log Cabin History of

Texas," to be purchased by the same board and on same condition as the Huddle painting hereinbefore mentioned, \$2500.00.

A message was received from his excellency, the governor, containing an appointment for notary public.

Senator Stephens moved the previous question on the pending amendment, and the main question was ordered.

The amendment was adopted by the following vote:

YEAS—15.

Atlee,	Glasscock,	Pope,
Carter,	Ingram,	Seale,
Clark,	Lubbock,	Stephens,
Clemens,	Maetze,	Tyler,
Cranford,	Mott,	Weisiger,

NAYS—12.

Burney,	Harrison,	Page,
Crane,	Johnson,	Potter,
Finch,	Kimbrough,	Sims,
Frank,	McKinney,	Whatley,

Senator Clemens offered the following amendment:

Under head of miscellaneous, \$1232, page 41, Edison Electric Light company for electorics, strike out.

Adopted.

Senator Clemens offered the following amendment:

Strike out, page 44, \$533 for relief of S. H. Robertson.

Senator Johnson moved the previous question on the amendment and the main question was ordered.

The amendment was lost by the following vote:

YEAS—13.

Atlee,	Maetze,	Potter,
Clemens,	McKinney,	Simkins,
Clark,	Mott,	Weisiger,
Cranford,	Page,	Whatley,
Lubbock,		

NAYS—14.

Burney,	Glasscock,	Seale,
Carter,	Ingram,	Sims,
Crane,	Johnson,	Stephens,
Finch,	Kimbrough,	Tyler,
Frank,	Page,	

Senator Frank offered the following amendment:

Amend by substituting the following under the head of commission of appeals:

For salaries of six judges, \$21,300—21,300.

Books and stationery, \$800—800.

Fuel and lights, \$550—550.

Postage and contingent expenses, \$1,200—1,200.

Furniture, \$200—200.

Sheriffs attendance on courts, \$150—150.

Porter hire, \$720—720.

Purchase of law books, \$400—400.

Adopted.

Senator Crane offered the following amendment:

Amend by striking out the figures \$100 as contained in line 17 of printed bill being the last item under the head of pensions and insert \$150 instead, making same read as follows:

Mrs. S. S. Cole, special pensioner, \$150—150.

Adopted.

Senator Carter offered the following amendment:

Amend the House bill by striking out all of said bill from and including lines 21 to 37 inclusive, page 42.

Senator Potter offered the following amendment to the amendment:

Amend by striking out out of the bill all appropriations to buy pictures.

Adopted.

Senator Simkins offered the following amendment:

Huddle Battle of San Jacinto:

Amend by striking out "\$4000" and insert "\$2500."

Senator Kimbrough moved the previous question and the main question was ordered.

The amendment of Senator Simkins was lost by the following vote:

YEAS—6.

Crane,	Page,	Simkins,
Kimbrough,	Potter,	Sims,

NAYS—20.

Atlee,	Harrison,	Pope,
Burney,	Ingram,	Seale,
Carter,	Johnson,	Stephens,
Clark,	Kearby,	Tyler,
Clemens,	Lubbock,	Weisiger,
Cranford,	Maetze,	Whatley,
Glasscock,	Mott,	

House bill No. 621, entitled "An act to attach Hutchinson county to Roberts county for judicial purposes,"

Read first time and referred to Judiciary committee No. 1.

The amendment of Senator Carter as substituted by Senator Potter was lost by the following vote:

YEAS—10.

Burney,	Johnson,	Potter,
Carter,	Kearby,	Sims,
Crane,	Page,	Whatley,
Harrison,		

NAYS—16.

Atlee,	Kimbrough,	Seale,
Clark,	Lubbock,	Simpkins,
Clemens,	Maetze,	Stephens,
Cranford,	Mott,	Tyler,
Glasscock,	Pope,	Weisiger,
Ingram,		

Senator Page offered the following amendment:

Amend page 10, line 29 in printed bill by adding the following: "Provided, that where a defendant is before the court as a witness he shall not be allowed any fees for expenses out of this appropriation. (Referring to attached witness.)"

Adopted.

Senator Burney offered the following amendment.

Amend by adding under the head of pensions the following: "Pay to Andrea C. de Villanueva, special pensioner, \$150 each year."

Adopted.

Senator Frank offered the following amendment:

Amend by adding to the end of miscellaneous items the following: For deficiencies at deaf, dumb and blind asylum for colored youth.

Groceries, \$141.25.

Vaccination of inmates of asylum, \$60.

Clothing, \$90.50.

Balance due teachers, \$75.00.

Total, \$366.78.

Adopted.

Senator Simkins offered the following amendment:

Orphan asylum, page 32, amend items as follows:

Physician salary, \$600—\$600.

Salaries five assistant nurses at \$1240 per annum, \$1240—\$1240.

And add as follows:

Night watchmen, \$360—\$360.

Transportation for two years, \$500.

Artesian well for two years, \$8000

Adopted.

Senator Glesscock offered the following amendment: Amend by adding to the item for the Printing Board the following: "No warrant shall be drawn, or voucher issued, except for printing, binding or stationery actually delivered, and work done."

Adopted.

Senator Harrison offered the following amendment: Amend by striking out line 17, page 5. under head General Land Office, and substitute therefor the following:

Salary of chief filing clerk \$1,400—\$1,400

Salary of assistant filing clerk \$1,200—\$1,200.

Adopted.

Senator Stephens offered the following amendment: Under head of State Department, line 13, page 3, strike out \$1,200 for each year, and insert \$,400 for each year.

Adopted.

Senator Kearby offered the following amendment:

Amend by striking out \$900 in line 28, page 21, and insert \$1500.

Adopted.

Senator Sims offered the following amendment:

Amend by striking out all of the items for the University of Texas:

Lost.

Senator Clemens offered the following amendment:

Supreme court, amend page 11, line 29, by striking out "salary of porter, \$600—600," and inserting in lieu thereof "hire of porters, \$840—840."

Adopted.

Senator Kearby offered the following amendment:

Lunatic Asylum: Amend line 5, page 22, by striking out \$800 where it occurs and inserting \$1,000.

Adopted.

Senator Page offered the following amendment:

Amend page 28, lines 23, 24, 25 and 26 by adding the following:

Provided, That notice is hereby given that when the state wants other works of art, notice of such works will be given, specifying the price to be paid for the same.

Adopted.

Senator Frank offered the following amendment:

Amend by adding at the end of the department of the orphan asylum the following:

Provided that if the board of managers, trustees and other parties whose duty it is to make purchases for the state lunatic asylums and other asylums and institutions supported by the state, shall purchase such supplies as needed by such institutions and kept in stock or raised or manufactured by the state penitentiaries from the financial agent of said penitentiaries; provided such supplies can be purchased as cheap from said penitentiaries as from other parties.

Adopted.

Senator Kearby offered the following amendment:

Amend line 24, page 22, by striking \$900 where it occurs and insert \$1500.

Adopted.

Senator Frank offered the following amendment:

Amend under head of general land office by adding after word "annum," line —, page —, enrolled bill, the following: "And the bookkeeper not to exceed \$1400 per annum."

Adopted.

Senator Kearby offered the following amendment:

Amend by adding after the word "tools" in line 31, page 21, the following: "And labor"; and strike out the figure "5" where it first occurs in same line and insert "7." Adopted.

Senator Kearby offered the following amendment:

Amend by adding to line 20, page 21, the following:

One assistant gardener, \$360 per year. Lost.

Senator Kearby offered the following amendment:

Amend by adding to allowance for State lunatic asylum the following:

Finishing and repairing fences on asylum grounds \$1000.

Adopted by the following vote:

YEAS--15.

Atlee,	Frank,	McKinney,
Burney,	Glasscock,	Mott,
Clark,	Kearby,	Page,
Clemens,	Kimbrough,	Pope,
Cranford,	Lubbock,	Tyler,

NAYS--9.

Carter,	Ingram,	Sims,
Crane,	Maetze,	Stephens.
Finch,	Potter,	Weisiger,

Senator Clemens offered the following amendment: Strike out in miscellaneous, "for the relief of J. O. Woodward, \$819.23."

Lost.

Senator Johnson moved the previous question on the amendments and the bill and the main question was ordered.

The bill was passed to a third reading.

Senator Johnson moved to suspend the constitutional rule requiring bills to be read on three several days and that the bill pass to third reading and final passage.

Adopted by the following vote:

YEAS--26.

Atlee,	Johnson,	Potter,
Burney,	Kearby,	Seale,
Clark,	Kimbrough,	Simpkins,
Clemens,	Lubbock,	Sims,
Crane,	Maetze,	Stephens.
Cranford,	McKinney,	Tyler,
Frank,	Mott,	Weisiger,
Glasscock,	Page,	Whatley.
Ingram,	Pope,	

NAYS--1.

Harrison,

The chair gave notice of signing and signed in presence of the Senate after their titles had been read

Substitute House bill No. 79, entitled "An act to amend articles 1228, 1229

and 1280 of the revised civil statutes of the State of Texas.

Also substitute House bill Nos. 16 and 109, entitled "An act to amend article 4273 of the revised civil statutes of the State of Texas, as amended by an act approved April 8, 1889."

Also

House bill No. 57, entitled An act to amend article 541, chapter 11, title XVII of the revised statutes of the State of Texas.

Also

Substitute House bill No. 498 and 520 entitled "An act for the preservation of oysters and oyster beds and for protecting the rights of persons to the same and affixing penalties, and providing locations for planting oysters.

HOUSE BILLS REFERRED.

House bill No. 612, entitled "An act to amend an act entitled an act to establish and maintain a system of public free schools for the State of Texas and to repeal so much of chapter 3, title 87, of the revised civil statutes of Texas, as refer to public free schools outside of incorporated cities and towns assuming or having assumed control of their public free schools and all laws and parts of laws in conflict with this act passed by the Eighteenth Legislature."

Read first time and referred to committee on Education.

By consent the following report was sent in:

COMMITTEE ROOM.

Austin, April 11, 1891.

Hon. George C. Pendleton, President of the Senate:

Sir—Your committee on Judiciary No. 1, to whom was referred

House bill No. 621, being "An act to attach Hutchinson county to Roberts county for judicial purposes,"

Have had the same under consideration, and beg to report the same back to the Senate with the recommendation that it do pass.

Respectfully submitted,

POPE, Chairman.

The following message was received from the House:

HOUSE OF REPRESENTATIVES,
Twenty-Second Legislature,
Austin, April 11, 1891.

Hon. George C. Pendleton, President of the Senate:

Sir—I am directed to inform the Senate that the House has concurred in Senate amendments to House bills 16 and 109 and 381.

Also that Messrs. Terrell, Baker of Tom Green, Hamblen, Owsley and

Perry have been appointed a committee on the part of the House to attend the commercial congress at Kansas City.

Also that the House has passed the Senate concurrent resolution designating the room to be known as the State library in the capitol building, for the use of the supreme court library.

SAM. H. DIXON,
Chief Clerk House of Representatives.
Pending bill read third time.

Senator Carter offered the following amendment:

Amend by striking out salary of stenographic clerk, who shall also act as clerk for assistant attorney general, \$1500.

Adopted unanimously.

The bill was finally passed by the following vote:

YEAS—24.

Atlee,	Glasscock,	Pope,
Burney,	Ingram,	Seale,
Clark,	Johnson,	Simkins,
Clemens,	Kimbrough,	Sims,
Crane,	Lubbock,	Stephens,
Cranford,	Maetze,	Tyler,
Finch,	McKinney,	Weisiger,
Frank,	Mott,	Whately.

NAYS—4.

Carter,	Page,	Potter.
Harrison,		

We vote against the passage of the appropriation bill because the bill has been rushed through without giving time for full consideration of the same, the result being that many extravagant items were allowed which would not have been, after proper deliberation.

PAGE,
CARTER.

Senator Weisiger moved to postpone pending business and take up

Senate bill No. 351, entitled "An act to provide for the punishment of persons furnishing, giving, or using any false pedigrees, or false certificate of sale," in order to concur in the House amendments to the same.

Adopted.

On motion of Senator Weisiger the following House amendment was concurred in:

"Strike out the part making the act take effect from and after its passage."

Senator Simkins moved to postpone pending business and take up

Senate Joint Resolution No. 16: To amend sections 1, 2, 3, 4, 5, 6, 7, 8, 11, 12, 16, 25 and 28, article 5 of the constitution of the State of Texas."

Adopted.

Senator Simkins moved that the

following House amendments be concurred in:

Senate Joint Resolution No. 16.

AMENDMENTS:

1. In line 26, page 2, section 2, insert the word "court" after the word "supreme." [Corrected.]

2. In line 2, page 3, section 3, after the word "jurisdiction," insert the following:

"Under such restrictions and regulations as the Legislature may prescribe, until otherwise provided by law the appellate jurisdiction of the supreme court shall extend to questions of law arising in the courts of civil appeals."

3. In lines 5 and 6, page 3, section 3, strike out the words "under such restrictions and regulations as the Legislature may prescribe."

4. In line 16, page 3, section 3, strike out the word "matter" and insert in lieu thereof the word "matters."

5. In line 19, page 3, section 3, strike out the word "July" and insert in lieu thereof the word "June."

6. In line 25, page 3, section 3, strike out the word "salary" and insert the word "compensation."

7. In line 26, page 3, section 4, strike out the word "the" and insert the word "three." [Corrected.]

8. In line 1, page 3, section 4, insert the word "of" after the word "court." [Corrected.]

9. In line 8, page 4, section 5, insert after the word "of" the word "the."

10. In line 14, page 4, same section, insert the word "criminal" before the word "appeals."

11. In line 15, same page and section, strike out the word "matter" and insert "matters."

12. In line 18 of same page and section, strike out "July" and insert the word "June."

13. In line 24, page 4, same section, strike out the word "six" and insert "four."

14. In line 25, page 4, same section, strike out all the section after the word "court."

15. In line 15, page 5, section 6, strike out the word "session" and insert "sessions."

16. In line 15, same page and section, strike out the word "court" and insert "courts."

17. In line 2, page 6, section 7, insert after the word "state" the words "or a judge of a court in this state."

18. In line 7, page 6, same section, strike out the word "or."

19. In line 8, page 6, same section,

strike out the word "term" and insert "terms."

20. In line 11, same page and section insert the word "have" after the word "shall." [Corrected.]

21. In lines 27 and 28, page 6, section 8, strike out the words "issuing out of said court when," and insert in lieu thereof the word "when."

22. In line 15, page 7, same section, insert the word "a" after the word "which."

23. In line 8, page 8, section 12, strike out the word "of" and insert the word "and."

24. In line 30, page 8, section 16, insert after the word "court" the words "of civil appeals."

25. In line 19, page 9, same section, insert after the word "court," the words "to the court."

26. In line 31, page 9, section 28, strike out the words "court of" and insert the words "court of civil."

27. In line 6, page 10, section 29, strike out the words "A. D." before the word "August" and insert "A. D." after the word "August."

Amend section 6 by adding thereto as follows:

At the first session of the supreme court the court of criminal appeals and such of the courts of civil appeals which may be hereafter created under this article after the first election of the judges of such courts under this amendment. The terms of office of the judges of each court shall be divided into three classes and the justices thereof shall draw for the different classes. Those who shall draw class No. 1 shall hold their offices two years, those drawing class No. 2 shall hold their offices for four years and those who may draw class No. 3 shall hold their offices for six years, from the date of their election and until their successors are elected and qualified, and thereafter each of the said judges shall hold his office for six years, as provided in this constitution.

Strike out the word "when" in line 27 page 9, section 25.

Amend second committee amendment by putting a period after the word "prescribe" and making the word "until" the beginning of a new sentence.

In line 9, page 9, strike out the word "injunctions" and insert the word "injunction."

In line 8, page 5, strike out the word session and insert "sessions" and strike out 15th committee amendment in printed bill.

Adopted by the following vote:

YEAS—29.

Atlee,	Harrison,	Pope,
Burney,	Ingram,	Potter,
Carter,	Johnson,	Seale,
Clark,	Kearby,	Simkins,
Clemens,	Kimbrough,	Sims,
Crane,	Lubbock,	Stephens,
Cranford,	Maetze,	Tyler,
Finch,	McKinney,	Weisiger,
Frank,	Mott,	Whatley,
Glasscock,	Page,	

NAYS—None.

The chair announced as the committee to visit the commercial convention at Kansas City Senators Kimbrough, Pope, Townsend and Johnson.

Senator Page moved to postpone pending business and take up substitute House bill No. 256.

Senator Pope moved to adjourn to 8 p. m. this day.

Adopted.

EVENING SESSION.

The Senate met pursuant to adjournment.

Lieutenant-Governor Pendleton in the chair.

Roll called.

Quorum present.

The following Senators answering to their names:

PRESENT—21.

Carter,	Kearby,	Potter,
Clark,	Kimbrough,	Seale,
Clemens,	Lubbock,	Sims,
Crane,	Maetze,	Stephens,
Cranford,	McKinney,	Tyler,
Frank,	Mott,	Weisiger,
Harrison,	Pope,	Whatley,

ABSENT—9.

Atlee,	Glasscock,	Simkins,
Burney,	Ingram,	Townsend,
Finch,	Page,	Johnson,

Senator Clark called up

Substitute House bills No. 42 and 137, entitled "An act to amend title 111, articles 9 and 10, and to add articles 10a, 10b, 10c, 10d, 10e, 10f, 10g and 10h, and to repeal all laws in conflict herewith."

Bill read second time with a favorable committee report.

The bill was passed to a third reading.

Senator Clark moved that the constitutional rule requiring bills to be read on three several days be suspended, and that the bill pass to a third reading and final passage.

Adopted by the following vote:

YEAS—23.

Atlee,	Glasscock,	Mott,
Burney,	Frank,	Pope,
Carter,	Ingram,	Potter,
Clark,	Johnson,	Sims,
Clemens,	Kimbrough,	Stephens,

Crane, Cranford, Finch.	Lubbock, Maetze, McKinney,	Tyler. Whatley.
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NAYS—1.

Simkins.

Bill read third time and passed by the following vote:

YEAS—17.

Carter, Clark, Clemens, Crane, Cranford. Frank,	Harrison, Kearby, Kimbrough, Lubbock, Maetze, McKinney.	Pope, Potter, Simkins, Tyler. Whatley.
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NAYS—6.

Atlee, Ingram,	Seale, Stephens,	Townsend, Weisiger.
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Senator Pope moved to postpone pending business and take up House joint resolution No. 19, to amend section 5, article 7 of the constitution of the state of Texas.

Adopted, and joint resolution read third time.

On motion of Senator Pope, Senator Potter was excused for the evening session on account of important business.

On motion of Senator Crane, Senator Townsend was excused for today on account important business.

House joint resolution No. 19, was passed by the following vote.

YEAS—23.

Atlee, Carter, Clark, Clemens, Cranford, Finch, Frank, Harrison,	Ingram, Johnson, Kearby, Kimbrough, Lubbock, Maetze, McKinney, Pope,	Potter, Seale, Sims, Stephens, Tyler, Weisiger, Whatley.
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NAYS—3.

Crane,	Mott,	Simkins.
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Senator Pope moved to reconsider the vote passing the joint resolution and to lay that motion on the table.

The motion to table prevailed.

Senator Weisiger moved to postpone pending business, suspend the rules and take up House bill No. 43.

Lost by the following vote:

YEAS—17.

Atlee, Clemens, Crane, Cranford, Finch, Frank,	Harrison, Ingram, Maetze, McKinney, Mott, Seale.	Sims, Stephens, Tyler, Weisiger, Whatley.
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NAYS—9.

Carter, Clark, Johnson.	Kearby, Kimbrough, Lubbock,	Pope, Potter, Simkins.
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Senator Carter moved to postpone pending business, suspend the rules, and take up

Substitute House bill No. 216, being "An act to amend article 1007 of an act passed by the Ninetenth Legislature and approved March 26, 1885, entitled an act to amend articles 1006, 1007 and 1008 of the revised civil stat-

utes of the state of Texas, approved February 21, 1879, passed by the Eighteenth Legislature and approved April 9, 1883, and to amend article 1008 of an act passed by the Twenty first Legislature and approved February 21, 1889, entitled an act to amend articles 1006 and 1008 of an act passed by the Twentieth Legislature, approved March 25, 1887, entitled an act to amend articles 1006 and 1008 of an act passed by the Nineteenth Legislature, approved March 26, 1885, entitled an act to amend articles 1006 and 1007 and 1008 of an act entitled an act to amend articles 1006, 1007 and 1008 of the revised civil statutes of the state of Texas, approved February 21, 1879, passed by the Eighteenth Legislature and approved April 9, 1883,"

Adopted by the following vote:

YEAS—21.

Atlee, Carter, Clark, Clemens, Crane, Cranford, Harrison.	Ingram, Johnson, Kearby, Kimbrough, Lubbock, Maetze, Mott.	Pope, Potter, Seale, Sims, Stephens, Tyler, Whatley.
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NAYS—3.

Finch.	Frank,	Weisiger.
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Bill read second time with a favorable committee report.

Senator Kimbrough offered the following amendment:

Amend by adding section 2: "All laws and parts of laws in conflict with this act are hereby repealed," and make section 2, section 3.

Adopted.

Senator Atlee moved to adjourn to 10 a. m. Monday.

Lost.

Senator Crane offered the following amendment:

Amend by making Johnson county returnable to Galveston.

Senator Carter offered the following substitute, which was accepted by Senator Crane:

Amend section 1 by adding after "Tyler" Tarrant, Navarro, Johnson.

Adopted.

The amendment, as substituted was adopted.

The bill was passed to a third reading

Senator Cane moved to suspend the constitutional rule requiring bills to be read on three several days, and that the bill passed to a third reading and final passage.

Adopted by the following vote:

YEAS—24.

Atlee, Burney, Carter,	Ingram, Johnson, Kearby,	Pope, Potter, Seale.
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Clark.	Kimbrough,	Simkins,
Clemens,	Lubbock,	Sims.
Crane,	Maetze,	Stephens,
Finch,	McKinney.	Tyler,
Frank,	Mott,	Whatley.

Bill read third time.

Senator Simkins offered the following amendment:

Amend by making Navarro county returnable to Tyler term of supreme court.

Adopted unanimously.

The bill was passed.

Senator Tyler moved to postpone pending business, suspend the rules and take up

House bill No. 90, entitled "An act to amend article 528, chapter 7, title 15, of the Penal Code of the State of Texas, as amended by act of the Twentieth Legislature," approved February 25, 1887,

Adopted by the following vote:

YEAS—19.

Clark,	Kimbrough.	Seale,
Crane,	Lubbock,	Simkins,
Finch,	Maetze.	Sims,
Frank.	McKinney,	Stephens,
Harrison,	Mott,	Tyler,
Ingram,	Pope,	Whatley.
Johnson,		

NAYS—3.

Atlee, Burney, Kearby,

Bill read second time with a favorable committee report.

Senator Sims offered the following amendment:

Amend by making the age female or want of the consent twelve years instead of fourteen years.

HALL HOUSE OF REPRESENTATIVES,)

TWENTY-SECOND LEGISLATURE,)

Austin, April 11, 1891.)

Hon. George C. Pendleton, President of the Senate:

Sir—I am directed to inform the Senate that the House has passed Senate bill No. 336, being an act to amend section 1, of chapter 79 of an act passed at the regular session of the Twenty-first Legislature, approved April 4, 1880, entitled "An act to authorize counties to fund their indebtedness, and to provide means to pay the same," with attached amendment.

SAM H. DIXON,

Clark House of Representatives.

Senator Stephens moved to concur in the House amendment.

Adopted.

Senator Kimbrough offered the following substitute:

"Strike out 14 and insert 12 years."

Lost.

The amendment of Senator Sims was lost by the following vote:

YEAS—6.

Harrison,	Lubbock,	Mott,
Kimbrough,	Maetze,	Sims.

NAYS—16.

Atlee,	Frank,	Seale,
Burney,	Ingram,	Stephens,
Clark,	Johnson,	Tyler,
Crane,	McKinney,	Weisiger,
Cranford,	Pope,	Whatley.
Finch,		

Senator Tyler offered the following amendment to the pending bill:

Amend by adding another section to read as follows:

The near approach of the close of the session creates an emergency that the constitutional rule requiring all bills to be read on three several days be suspended and said rule is hereby suspended.

Adopted.

Senator Kimbrough offered the following amendment:

Strike out "14" and insert "13."

Lost.

The bill was passed to a third reading by the following vote:

YEAS—19.

Atlee,	Harrison,	Seale,
Burney,	Ingram,	Simkins,
Clark,	Johnson,	Stephens,
Crane,	Maetze,	Tyler,
Cranford,	McKinney,	Weisiger,
Finch,	Pope,	Whatley.
Frank,		

NAYS—2.

Kimbrough, Sims,

Senator Tyler moved to suspend the constitutional rule requiring bills to be read on three several days and that the bill pass to a third reading and final passage.

The following vote was taken:

YEAS—20.

Atlee,	Harrison,	Simkins.
Burney,	Ingram,	Sims,
Clark,	Kimbrough,	Stephens,
Crane,	Maetze,	Tyler,
Cranford,	McKinney,	Weisiger,
Finch,	Pope,	Whatley.
Frank,	Seale,	

NAYS—None.

No quorum.

Senator Burney moved to adjourn to 10 a. m. Monday.

Lost.

Senator Frank moved a call of the Senate on the bill, which was ordered.

The following Senators answered to their names:

PRESENT—21.

Atlee,	Harrison,	Page,
Burney,	Ingram,	Seale,
Clark,	Johnson,	Sims,
Crane,	Kimbrough,	Stephens,

Cranford,	Lubbock,	Tyler.
Finch,	Maetze.	Weisiger.
Frank,	McKinney,	Whatley.

ABSENT—7.

Carter,	Kearby,	Pope.
Clemens,	Mott,	Simkins.
Glasscock,		

Senator Tyler moved to suspend the constitutional rule requiring bills to be read on three several days and that the pending bill pass to a third reading and final passage.

Adopted by the following vote:

YEAS—21.

Atlee,	Harrison,	Seale,
Burney,	Ingram,	Simkins,
Clark,	Johnson,	Sims,
Crane,	Kimbrough,	Stephens,
Cranford,	Maetze,	Tyler,
Finch,	McKinney,	Weisiger,
Frank,	Page,	Whatley,

NAYS—1.

Lubbock,

Senator Atlee moved a call of the Senate on the bill which was ordered.

The following Senators answered to their names:

PRESENT—22.

Atlee,	Ingram,	Seale,
Burney,	Johnson,	Simkins,
Clark,	Kimbrough,	Sims,
Crane,	Lubbock,	Stephens,
Cranford,	Maetze,	Tyler,
Finch,	McKinney,	Weisiger,
Frank,	Page,	Whatley.
Harrison,		

ABSENT—6.

Carter,	Glasscock,	Mott,
Clemens,	Kearby,	Pope.

Senator Frank moved to excuse the absentees under the call.

Lost by the following vote:

YEAS—13.

Burney,	Harrison,	Seale,
Clark,	Ingram,	Stephens.
Crane,	Maetze,	Tyler,
Finch,	McKinney,	Weisiger.
Frank,		

NAYS—9.

Atlee,	Kimbrough,	Simkins,
Cranford,	Lubbock,	Sims,
Johnson,	Page,	Whatley.

Senator Stephens moved to postpone pending business, suspend the constitutional rule requiring bills to be read on three several days take up House bill No. 621, entitled "An act to attach Hutchinson county to Roberts county for judicial purposes.

And put it upon second reading.

Adopted by the following vote:

YEAS—22.

Atlee,	Ingram,	Seale.
Burney,	Johnson,	Simkins,
Clark,	Kimbrough,	Sims,

Crane,	Lubbock.	Stephens,
Cranford,	Maetze,	Tyler,
Finch,	McKinney,	Weisiger,
Frank,	Page,	Whatley.
Harrison,		

NAYS—None.

Bill read second time and passed to a third reading.

Senator Stephens moved to suspend the constitutional rule requiring bills to be read on three several days in each House, and that the bill pass to a third reading and final passage.

Adopted by the following vote:

YEAS—22.

Atlee,	Ingram,	Seale,
Burney,	Johnson,	Simkins,
Clark,	Kimbrough,	Sims,
Crane,	Lubbock,	Stephens,
Cranford,	Maetze,	Tyler,
Finch,	McKinney,	Weisiger.
Frank,	Page,	Whatley.
Harrison,		

NAYS—None.

Bill read third time and passed by the following vote:

YEAS—22.

Atlee.	Ingram,	Seale,
Burney,	Johnson,	Simkins,
Clark,	Kimbrough,	Sims,
Crane,	Lubbock,	Stephens,
Cranford,	Maetze,	Tyler
Finch,	McKinney,	Weisiger.
Frank,	Page,	Whatley.
Harrison,		

Senator Page moved to postpone pending business, suspend the constitutional rule requiring bills to be read on three several days and take up on second reading

House bill No. 256, a bill to be entitled "An act to provide for the levy and collection of an annual ad valorem state tax for general revenue purposes of fifteen cents on the \$100."

Adopted by the following vote:

YEAS—22.

Atlee,	Ingram,	Seale,
Burney,	Johnson,	Simkins,
Clark,	Kimbrough,	Sims,
Crane,	Lubbock,	Stephens.
Cranford,	Maetze,	Tyler,
Finch,	McKinney,	Weisiger,
Frank,	Page,	Whatley.
Harrison,		

NAYS—None.

Bill read second time with a favorable committee report.

(Senator Tyler in the chair.)

Senator Page offered the following amendment:

Amend by striking 1892 and insert 1891.

Adopted.

Bill passed to a third reading.

Senator Page moved to suspend the constitutional rule requiring bills to be read on three several days, and that the bill pass to a third reading and final passage.

Adopted by the following vote:

YEAS—22.

Atlee,	Ingram,	Seale,
Burney,	Johnson,	Simkins,
Clark,	Kimbrough,	Sims,
Crane,	Lubbock,	Stephens,
Cranford,	Maetze,	Tyler,
Finch,	McKinney,	Weisigner,
Frank,	Page,	Whatley,
Harrison,		

Bill read third time and passed.

(The President in the chair.)

Senator Weisiger moved to postpone pending business, suspend the rules and take up

House Bill No. 43, An act to repeal an act entitled "An act to amend article 711 of the Revised Civil Statutes defining the boundary of Aransas county," approved March 17, 1887, and to re-enact the former boundary of said county.

Adopted.

By consent Senator Page sent up the following report:

COMMITTEE ROOM,
Austin, April 10, 1891.

Hon. George C. Pendleton, President of the Senate and Hon. R. T. Milner, Speaker of the House of Representatives:

SIRS:

Your joint committee appointed to investigate the State treasurer's office have performed that duty and beg leave to submit the following report:

We found the State treasurer's office in splendid order and every department running with matchless skill and exactness.

We have carefully compared the statement furnished by the comptroller with the cash and bonds on hand in the State treasury and find it correct, as follows:

April 2, 1891.

Silver in sacks, \$683,500.00.

Gold in sacks, \$322,000.00.

Subsidiary coin mixed and mutilated, \$2,355.50.

Drawer cash, \$27,560.50.

Currency, \$1,394,620.00.

Total, \$2,430,036.00.

We find the amount of bonds on hand to be as follows:

State bonds, \$3,203,140.00.

County bonds, 3,243,561.75.

Railroad bonds, promissory notes, etc., \$1,834,873.19.

Total, \$8,281,574.94.

We find the office well kept and managed. The books are nicely kept and by a balance taken from them and an actual examination of the cash in the vaults we found the same properly accounted for. We are gratified to find this department so well managed as to be very nearly perfect.

In our examination we were ably assisted by our most efficient treasurer, W. B. Wortham, whose aid placed it in our power to make a thorough examination of the office.

All of which is respectfully submitted.

Senate committee,

SEALE,
PAGE.

House committee,

Curry,
BATTS,
GOSSETT,
MCKINNON,
PETER.

House bill No. 43 read second time with a favorable committee report.

The bill passed to a third reading.

The following message was received from the House.

HOUSE OF REPRESENTATIVES, }
Twenty-second Legislature, }
Austin, April 11, 1891. }

Hon. Geo. C. Pendleton, President of the Senate:

Sir—I am instructed to inform the Senate that the House refuses to concur in Senate amendments to Substitute House bill No. 400, the general appropriation bill, and asks that a free conference committee be appointed to consider the differences between the two Houses, and appoint Messrs. Gresham, Truit, Perry, Batts and Tolbert as the committee on the part of the House.

SAM H. DIXON, Chief Clerk,

House of Representatives.

Senator Simkins moved that the request of the House for a free conference committee be granted,

Adopted.

The chair appointed Senators Clemens, McKinney, Frank, Simkins and Lubbock as a committee from the Senate on the difference between the two Houses on Substitute House bill No. 400.

Senator Tyler moved that House bill No 90 be made special order for Monday morning after morning call

Adopted.

Senator Frank moved that House

bill No. 43 be made special order for Monday morning after morning call and from day to day until disposed of.

Adopted.

On motion of Senator Seale the Senate adjourned to 10 a. m. Monday.

SEVENTY-FIFTH DAY.

SENATE CHAMBER,
TWENTY-SECOND LEGISLATURE,
Austin, Texas, April 13, 1891. }

The Senate met pursuant to adjournment.

Lieutenant-Governor Pendleton in the chair.

Roll called.

Quorum present.

The following senators answering to their names:

PRESENT—27.

Atlee,	Glasscock.	Page.
Burney,	Harrison.	Pope,
Carter,	Ingram.	Seale,
Clark,	Johnson,	Sims,
Clemens,	Kearby,	Stephens,
Crane,	Kimbrough,	Townsend.
Cranford,	Maetze,	Tyler.
Finch,	McKinney,	Weisiger
Frank,	Mott,	Whatley.

ABSENT—2.

Lubbock, Simkins,

Prayer by the chaplain, Dr. Smoot
Pending the reading of the journal,
on motion of Senator Carter, the further reading of the same was dispensed with.

The following committee reports were handed in:

COMMITTEE ROOM,
Austin, April 13, 1891.

Hon. George C. Pendleton, President of the Senate:

Sir—Your Judiciary committee No. 2, to whom was referred

House bill No. 214, being "An act to amend article 186a of an act to amend article 183, of the penal code of the state of Texas, and to amend an act entitled an act to amend article 186 of the penal code, approved April 10, 1883, chapter 2, title 7, and to amend said chapter and title by adding thereto article 186a, providing additional exemptions from the operation of the Sunday law, approved April 2, 1887, so as to leave off of the exemptions barber shops.

Have had the same under consideration, and I am instructed to report the same back to the Senate with the recommendation that it do pass.

TYLER, Chairman.

COMMITTEE ROOM.

Austin, April 11, 1891.

Hon. Geo. C. Pendleton, President of the Senate:

Sir—Your committee on Judicial Districts to whom was referred Senate bill 390, being a bill to be entitled an act to amend sections 1 and 2 of an act entitled an act to amend section 1 of an act entitled an act to amend an act to amend an act entitled "An act to redistrict the state into judicial districts and fix the times for holding court therein, and to provide for the election of judges and district attorneys in said districts at the next general election, to be held on the first Tuesday after the first Monday in November, 1884. Approved April 9, 1883, approved March 24, 1885, to create the Forty-third Judicial District of the State of Texas, fix the times for holding court therein, and to provide for the appointment of a district judge for said district, approved March 30, 1887, to create the Forty-eighth Judicial District of the State of Texas, fix the times for holding court therein, and to fix the times for holding court in the Seventeenth Judicial District of the State of Texas, and to provide for the appointment of a district judge of the said Forty-eighth Judicial District approved February 6, 1891, have had the same under consideration and report the same back to the Senate with the recommendation that it do pass.

ATLEE, Acting Chairman.

COMMITTEE ROOM,

AUSTIN, April 13, 1891.

Hon. Geo. C. Pendleton, President of the Senate:

Sir—Your Judiciary committee to whom was referred

Senate bills, Nos. 25, 106, 163, 271, 332, 333, 343, 348, and 361,

Have had the same under consideration, and I am instructed to report the same back to the Senate without recommendation, the time being too short to dispose of the same.

All of which is respectfully submitted.

TYLER, Chairman.

COMMITTEE ROOM,

Austin, April 12, 1891.

Hon. Geo. C. Pendleton, President of the Senate:

Sir—Your committee on Education, to whom was referred

House bill No. 612, being "An act to amend an act to establish and maintain a system of public free schools for the state of Texas and to repeal so much of chapter 3, title 78